



California Fair Political Practices Commission

March 13, 1989

Jennifer Riel
Paralegal
Trembath, McCabe, Schwartz, Evans & Levy
One Corporate Centre
1320 Willow Pass Road, Suite 500
Concord, CA 94520

Re: Your Request For Advice
Our File No. I-88-478

Dear Ms. Riel:

You have requested advice under the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTION

If an organization or an agent of an organization collects and/or solicits campaign funds on behalf of a political action committee, must the organization or agent register or file any documents with the Secretary of State?

CONCLUSION

An organization or agent of an organization who collects or solicits campaign contributions on behalf of a political action committee is not required to register or file any documents with the Secretary of State.

However, the Act requires that an "intermediary" for a contribution received by a candidate or committee must inform the

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

candidate or committee that he or she is acting as an intermediary, and the intermediary must be disclosed on the candidate's or committee's campaign disclosure statement. "Intermediary" includes a person who delivers a contribution from another person unless such contribution is from the person's employer, immediate family or an association to which the person belongs.

ANALYSIS

Regarding the duties imposed on an "intermediary," and the requirement to disclose intermediaries on the campaign disclosure statement of the recipient, Section 84302 provides:

No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation and the name of his employer, if any, or his principal place of business if self employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

Regarding the definition of an intermediary:

When the information contained on the check or other written instrument provided to the recipient of a contribution is different than the name of the person who is actually making the contribution, an intermediary is involved in making the contribution.

(FPPC 1988 "Information Manual on
Campaign Disclosure Provisions of
the Political Reform Act, page 47.)

In addition, Section 84302.5 provides:

A person is an intermediary for transmittal of a contribution if he or she delivers to a candidate or committee a contribution from another person unless such contribution is from the person's employer, immediate family member or an association to which the


Jennifer Riel
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person belongs. No person who is the treasurer of the committee to which the contribution is made shall be an intermediary for such a contribution.

I hope this adequately answers your question. If you have any additional questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel


By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

F B R C

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Dec 23 1 01 PM '88

December 22, 1988

Fair Political Practice Committee
428 "J" Street, Suite 700
Sacramento, California 95814

Dear Sir or Madam:

Please provide me with a written response to the following question:

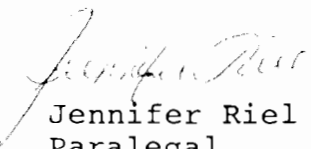
If you are an organization or an agent of an organization and you are collecting and/or soliciting funds on behalf of a political action committee (PAC) must you register or file any documents with the Secretary of State?

I have enclosed a stamped return envelope for your convenience.

Thank you for your assistance in this matter.

Very truly yours,

TREMBATH, McCABE, SCHWARTZ, EVANS & LEVY
Professional Law Corporation


Jennifer Riel
Paralegal

/jr
enc.

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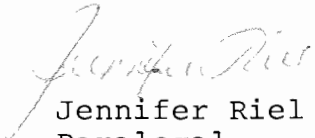
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